

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

MILFORD-BENNINGTON RAILROAD CO.,  
INC.

Plaintiffs,

V.

Docket No. 1:10-cv-00264-PB

PAN AM RAILWAYS, INC.,  
BOSTON AND MAINE CORPORATION, and  
SPRINGFIELD TERMINAL RAILWAY  
COMPANY

Defendants.

## DECLARATION OF ROBERT BURNS

I, Robert Burns, hereby declare as follows under penalties of perjury:

1. I am Corporate Counsel for Pan Am Railways, Inc., Boston and Maine Corporation, and Springfield Terminal Railway Company (collectively, “Pan Am.”).

2. I make this declaration in support of the Memorandum of Law in Support of Motion for Summary Judgment.

3. I have attached as Exhibit A-1 a true and accurate copy of the Agreement entered into between Milford-Bennington Railroad Co. and Boston and Maine Corporation and the Springfield Terminal Company dated June 22, 1992.

4. I have attached as Exhibit A-2 a true and accurate copy of the Notice of Investigation dated November 4, 2009.

5. I have attached as Exhibit A-3 a true and accurate copy of correspondence from Larry Ferguson to Peter Leishman dated April 9, 2010.

6. I have attached as Exhibit A-4 a true and accurate copy of the Northeast Operating Rules Advisory Committee (“NORAC”) Rules 116 and 138e.

7. I have attached as Exhibit A-5 a true and accurate copy of the Notice of Supplemental Investigation dated April 28, 2010.

8. I have attached as Exhibit A-6 a true and accurate copy of the Notice of Supplemental Investigation dated October 13, 2010.

9. I have attached as Exhibit A-7 a true and accurate copy of the correspondence from Edwin Motte to Peter Leishman dated December 7, 2010.

Signed under the penalties of perjury this 22nd day of July 2011.

/s/ Robert Burns  
Robert Burns, Corporate Counsel